

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 1607

[Report No. 118-]

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. SCHWEIKERT (for himself and Mr. STANTON) introduced the following bill; which was referred to the Committee on Natural Resources

JULY --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 14, 2023]

A BILL

To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LAND WITHDRAWAL AND RESERVATION.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *AGREEMENT.—The term “Agreement” means*
6 *the agreement between the United States and the As-*
7 *sociation dated September 6, 1917, as amended.*

8 (2) *ASSOCIATION.—The term “Association”*
9 *means the Salt River Valley Water Users’ Associa-*
10 *tion.*

11 (3) *COVERED LAND.—The term “covered land”*
12 *means the portion of the National Forest System land*
13 *located on the south side of the Salt River from the*
14 *March 9, 1903, 1-mile withdrawal area for the Bu-*
15 *reau of Reclamation purposes extending an addi-*
16 *tional 2 miles from the Salt River at Roosevelt Dam*
17 *to 18.25 river miles downstream, in the State of Ari-*
18 *zona, not including the Superstition Mountain Wil-*
19 *derness Area and the Tonto National Monument, as*
20 *depicted on the Map.*

21 (4) *DISTRICT.—The term “District” means the*
22 *Salt River Project Agricultural Improvement and*
23 *Power District.*

24 (5) *MAP.—The term “Map” means the map pre-*
25 *pared under subsection (e)(1).*

1 (6) *SRP.*—*The term “SRP” means—*

2 (A) *the District; and*

3 (B) *the Association.*

4 (b) *RESERVATION OF COVERED LAND.*—*Subject to*
5 *valid existing rights, the covered land is reserved to the*
6 *United States, through the Secretary of the Interior, for the*
7 *exclusive right to use the covered land and interests in the*
8 *covered land for the development, generation, and trans-*
9 *mission of electrical power and energy for the use and ben-*
10 *efit of the Salt River Federal Reclamation Project pursuant*
11 *to the Agreement.*

12 (c) *WITHDRAWAL OF COVERED LAND.*—*The covered*
13 *land is permanently withdrawn from—*

14 (1) *all forms of entry, appropriation, and dis-*
15 *posal under the public land laws;*

16 (2) *location, entry, and patent under the mining*
17 *laws; and*

18 (3) *operation of the mineral leasing, mineral*
19 *materials, and geothermal leasing laws.*

20 (d) *FACILITIES.*—*With respect to facilities constructed*
21 *by SRP on the covered land for the development, generation,*
22 *and transmission of electrical power and energy—*

23 (1) *the design and specifications shall conform to*
24 *Bureau of Reclamation standards, and final designs*

1 *shall be subject to review and approval by the Sec-*
2 *retary of the Interior;*

3 (2) *all construction work shall be subject to in-*
4 *spection and approval by the Secretary of the Inte-*
5 *rior;*

6 (3) *upon a determination of substantial comple-*
7 *tion of such facilities, the Secretary of the Interior*
8 *shall accept title on behalf of the United States as*
9 *part of the Salt River Federal Reclamation Project*
10 *pursuant to—*

11 (A) *section 6 of the Act of June 17, 1902*
12 *(32 Stat. 389, chapter 1093; 43 U.S.C. 498); and*

13 (B) *the Agreement; and*

14 (4) *SRP shall be responsible for the care, oper-*
15 *ation, and maintenance pursuant to the Agreement.*

16 (e) *MAP.—*

17 (1) *IN GENERAL.—As soon as practicable after*
18 *the date of enactment of this Act, the Secretary of Ag-*
19 *riculture shall prepare a map depicting the boundary*
20 *of the covered land.*

21 (2) *AVAILABILITY.—The Map shall be on file and*
22 *available for public inspection in the appropriate of-*
23 *fices of the Forest Service and the Bureau of Rec-*
24 *lamation.*

1 (f) *MANAGEMENT OF COVERED LAND.*—*Management*
2 *of the covered lands shall be in accordance with the Manage-*
3 *ment Memorandum among the District, United States De-*
4 *partment of Agriculture, Forest Service, and the Bureau of*
5 *Reclamation, dated April 27, 1979, as amended.*

6 (g) *RELATION TO OTHER LAW.*—

7 (1) *COMPLIANCE WITH ENVIRONMENTAL LAWS.*—
8 *The Secretary of the Interior is directed to carry out*
9 *all necessary environmental compliance under the Na-*
10 *tional Environmental Policy Act of 1969 (42 U.S.C.*
11 *4321, et seq.), the Endangered Species Act of 1973 (16*
12 *U.S.C. 1531, et seq.), and all other applicable envi-*
13 *ronmental laws and regulations, prior to construction*
14 *of facilities on the covered land for the development,*
15 *generation, and transmission of electrical power and*
16 *energy.*

17 (2) *LEAD AGENCY.*—*The Bureau of Reclamation*
18 *shall be the lead agency with respect to environmental*
19 *compliance.*

20 (3) *WITHDRAWAL NOT MAJOR FEDERAL AC-*
21 *TION.*—*The withdrawal of the covered land shall not*
22 *constitute a major Federal action under the National*
23 *Environmental Policy Act of 1969 (42 U.S.C. 4321,*
24 *et seq.).*

1 (4) *ANTIDEFICIENCY.—The United States shall*
2 *not be liable for failure to carry out any obligation*
3 *or activity authorized to be carried out under this*
4 *title (including any such obligation or activity under*
5 *the Agreement) if adequate appropriations are not*
6 *provided by Congress expressly to carry out the pur-*
7 *poses of this Act.*